

I. REMARKS/ARGUMENTS

These remarks are submitted in response to the Office Action of September 19, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. As a result of this Amendment, claims 1, 5, 6, 13, 16, 17, 19, and 22 have been amended. Claims 1-22 remain in the Application.

In paragraph 2, at page 2 of the Office Action, Claims 1-9 and 13-21 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,221,928 to Laird *et al.* (hereinafter Laird).

In paragraph 16, at page 6 of the Office Action, Claims 10-12 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Laird in view of U.S. Patent No. 6,996,256 to Pavlidis *et al.* (hereinafter Laird).

II. Applicant's Invention

It may be helpful to reiterate certain aspects of Applicant's invention prior to addressing the references cited in the Office Action. In one embodiment of the invention, for example, a customer service method for handling calls to or from a plurality of callers, comprising the steps of retrieving non-vocal physiological data from a caller, in response to retrieving non-vocal physiological data from the caller, assigning a priority to the caller among the plurality of callers where the priority assigned is among a number of priority levels and routing the caller based on the priority assigned to the caller in relation to priority assigned to other callers among the plurality of callers.

III. The Claims Define Over the Prior Art

Claims 1-9 and 13-21 were rejected under 35 U.S.C. 102(e) as being anticipated by Laird. Laird discusses a mechanism to monitor a phone call for the purpose of establishing an emergency condition. The user can make a 911 call and as part of the 911 call, specific sensory information can be provided to the 911 server and receiving party. The device can determine an emergency situation and create a 911 call. Laird, though, fails to teach, suggest, mention or contemplate using the sensory information to provide or create a priority for the emergency calls in the response queue while

Applicant's embodiments uses the sensory information to prioritize one caller over another caller or to use the sensory information along with profile information (for example, profitability or a customer value rating of a user) to determine a priority and how to handle the caller). Laird, in contrast, discusses using an emergency event to bring a window to the fore ground of a display, but fails to distinguish between types of emergencies. How would a heart attack be handled versus a fire? No explanation or prioritization between the events are evident or suggested in Laird.

Col 7 lines 16-41 and Col 17 lines 10-30 of Laird discusses using sensory information to determine an emergency situation but does not teach or suggest how a system would prioritize when multiple emergencies are reported simultaneously.

With respect to Claims 2, 3 and 14, Laird is using a server that is monitoring for key words that would indicate an emergency such as "there is a **fire** in the chemistry building who should I call to report this?" Applicant's embodiments recite a method that can optionally monitor the stress or other aspects of the voice along with other sensory information to determine physiological state and comfort of the user to provide a corresponding priority level for responsiveness in the system.

With respect to claims 5 and 16, Laird makes use of a profile for password ID and holding voice utterances for a voice recognition system for the purpose of canceling or requesting virtual escort monitoring service. The profile as recited in claims 5 and 16 is used to understand the type of customer the user or caller is and to provide priority queuing based on the profile and sensory information. The profile can provide a customer value rating that is used to provide a priority to the call by the caller.

with respect to claims 6 and 17, Laird once again fails to make a distinction on how to handle varying degrees of emergency versus the priority for call processing of calls in a queue on a number of sensory inputs and optionally on profile information. This is not generalized nor taught by Laird.

With respect to claims 7-9 and 18, Laird discusses that an active alarm is given the fore ground window on the display, but there is still no level of distinguishing between any type of emergency since they all have been placed in the fore ground. In contrast, as noted above, Applicant's claimed embodiments as recited in various claims

provide a priority (among a number or priority levels) to the calls based on sensory information and optionally further on profile information. Since Laird fails to teach or even suggest a number of the elements as noted above, Applicants respectfully believe Claims 1-9 and 13-21 overcome the rejection under 35 U.S.C. 102(e) based on Laird.

Claims 10-12 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Laird in view of Pavlidis. Laird fails to discuss sending a predetermined presentation based on sensory information retrieved from the caller. Pavlidis discusses sensing facial thermal data in order to detect anxiety and provide a presentation to a person being visually recorded. Again, Pavlidis fails to teach, suggest, mention or contemplate the setting or priorities to calls based on sensory information as recited. Even if one were to combine the teachings of Laird and Pavlidis, such combination would fail to teach or suggest the claimed embodiments as currently recited in amended claims 10-12 and 22. Thus, Applicants respectfully believe, claims 10-12 and 22 overcome the rejections under 35 U.S.C. 103(a) as being unpatentable over Laird in view of Pavlidis.

IV. CONCLUSION

Applicants believe that this application is now in full condition for allowance. Allowance is therefore respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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